

EXHIBIT F

IN RE: CAPITAL ONE CONSUMER DATA SECURITY BREACH LITIGATION
30(b)(6) Michael Edward Fisk on 05/15/2020

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 IN RE: CAPITAL ONE :
5 CONSUMER DATA SECURITY : MDL NO.:
6 BREACH LITIGATION, : 1:19md2915 (AJT/JFA)
7 :
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9 VIDEOTAPED 30(b)(6) DEPOSITION OF
10 MICHAEL EDWARD FISK
11 CONDUCTED REMOTELY

12 9:35 a.m. EST
13 Friday, the 15th day of May 2020

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Blanche J. Dugas, CRR, RPR, CCR No. B-2290

1 MR. BALSER: Yes. That's fine.

2 Q. (By Mr. Yanchunis) Mr. Fisk, is that also
3 fine with you?

4 A. Yes.

5 Q. Today we'll be referring to a cybersecurity
6 incident announced by Capital One on July 29th, 2019.
7 Are you familiar with that cybersecurity incident?

8 A. Yes.

9 Q. Would it be okay with you if I refer to that
10 as the breach or the data breach?

11 A. Yes, you can refer to that that way.

12 Q. Okay. And if I -- so if I refer to that
13 incident as breach or data breach, you'll understand
14 that I'm referring to the cybersecurity incident
15 announced by Capital One on July 29th, 2019?

16 A. Yes.

17 Q. Regarding Deposition Topic No. 1, if you
18 want to put that in front of you, and I'll read it
19 into the record. "When and how the data breach
20 announced on or around July 29th, 2019 occurred and
21 the investigations and analysis that led to the
22 determination, when that determination was made and
23 who made that determination."

24 Would you generally describe how the data
25 breach occurred?

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1 A. Yes. I'm thinking how to summarize that

[REDACTED]

16 Q. Because this may be shown someday before a
17 judge and certainly a jury, I predict many may not
18 understand some of the technology that we're dealing
19 with. So I may be a little slow in exploring in
20 greater detail some of the terms you use.

21 First, I believe you used the term "WAF," an
22 acronym; correct?

23 A. Yes. That's an acronym for web application
24 firewall.

25 Q. Spelled W-A-F-F?

[REDACTED]

[REDACTED]

16 Q. Do you understand what the term "open
17 source" means?
18 A. I do.
19 Q. What is your understanding of what that term
20 means?
21 A. Well, generally, there's an open source
22 software foundation that sort of, I think, more
23 formally defined the term. But essentially it is
24 software for which the source code is available, not
25 just the binary code.

[REDACTED]

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[REDACTED]

18 A. It was -- sorry. I didn't hear that.

19 MR. BALSER: I said object to the

[REDACTED]

23 the form of that question.

24 Q. (By Mr. Yanchunis) That means you can
25 answer, Mr. Fisk, if you can.

[REDACTED]

10 Q. Are you aware that on April 21st of 2019
11 that Paige -- excuse me. Let me ask it this way.

[REDACTED]

1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3

4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers
7 thereto were reduced to typewriting under
8 my direction; that the foregoing pages
9 represent a true, complete, and correct
10 transcript of the evidence given upon said
11 hearing, and I further certify that I am
12 not of kin or counsel to the parties in the
13 case; am not in the employ of counsel for
14 any of said parties; nor am I in any way
15 interested in the result of said case.

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BLANCHE J. DUGAS, CCR-B-2290

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